

# DESPERATE STRUGGLE TO ESCAPE THE LAW

## FIGHT OF JOHN F. GAYNOR AND BENJAMIN D. GREENE TO PREVENT EXTRADITION FROM CANADA.

### EXILE IS SPENT IN LUXURY.

Exciting Incidents Have Marked Careers of Two Americans Charged with Defrauding Government of Millions of Dollars.

Decision of British Privy Council Makes Return of Fugitives Possible—Story of Case That Has Attracted International Attention.

Quebec.—As the result of the recent decision of the British privy council, two fugitives from American justice will probably soon be taken to the United States to stand trial for their serious offense against the laws.

Years ago, before extradition treaties had been arranged with European countries, the Canadian dominion or the South and Central American republics, it was a common practice of American criminals to seek refuge outside the borders of the "States." Canada, being easy of access, was a favorite harbor for embezzlers and defaulters, and many there defied the efforts of justice to bring them to trial.

Even after agreements had been effected with most of the countries, men who had defamed with considerable sums preferred taking their chances with the extradition laws and with government officials whose decisions they could often influence with their ill-gotten wealth, rather than remain at home where certain punishment awaited them.

The decision of King Edward's jurists was made in connection with a case that has attracted international attention; that of John F. Gaynor and Benjamin D. Greene, who, together with Capt. Oberlin M. Carter, were indicted in Savannah, Ga., December 8, 1889, charged with embezzlement and defrauding the United States government in the performance of government contracts for the improvement of the Savannah river and other river and harbor work in that district, the illicit profits being estimated at \$2,000,000.

Gaynor and Greene were arrested in New York. They contested extradition to Georgia and when the United States commissioners decided that they must go to that state and plead to the indictments they fled to Canada. They had been at liberty on \$40,000 bail each, and this was forfeited.

Efforts to extradite Gaynor and Greene from Montreal were progressing favorably and the extradition commission was sitting in Montreal when Gaynor and Greene went to Quebec. A question arose as to whether they could be brought back and detectives kidnapped them and took them to Montreal. There was a big legal fight over this action and a Quebec judge issued a writ of habeas corpus which was served on the jailer at Montreal, who delivered up the prisoners without notification to the extradition tribunal and permitted them to be rushed back to Quebec. Efforts to quash the writ of habeas corpus under which they had been returned were denied by Justice Caron.

After a long legal controversy Gaynor and Greene obtained their liberty within the limits of the Province of Quebec. The United States government then appealed to the privy council of England, the highest court in that country.

According to the decision the American government can now continue its work of securing the extradition of Gaynor and Greene. The whole question of their return to the United States is now in the hands of the Canadian extradition commission at Montreal. Judge Caron, of Quebec, set the two men at liberty on the ground that the extradition treaty did not cover the charge made against them, which was conspiracy to embezzle. The privy council has decided that Judge Caron had no right to interfere, and that the crime for which the two Americans were indicted comes within the terms of the treaty.

Woman Causes a Quarrel. During their five years' residence in the Dominion these two fugitives, although living in luxury, were socially ostracized. For a long time after they fled to Quebec the exiles lived in sumptuous style at the Chateau Frontenac, where their lavish expenditures amused and sometimes awed the simple people of that city. They were together every day, but they had a quarrel and separated. For months they were not on speaking terms. It was this estrangement that led them to abandon their palatial quarters and take up separate private residences.

It is said that there was a woman in the case, and that Greene leased a house in the outskirts of the city in the name of Gaynor, which fact, when he discovered it, was bitterly resented by Gaynor for domestic reasons. Gaynor declared to his companions in the barroom of the Chateau Frontenac that Greene was ungrateful, and that he would not have a coat of his back were it not for him. Greene, who is an educated man and the finer of the two, having once been an officer in the United States army, appeared to look down upon his uncouth, bibulous and talkative fellow exile.

But the trouble was made up months ago and the two are now fast friends, busy in the joint effort to resist extradition to the United States. It is said that Gaynor is the moneyed man of the two and that Greene's means are comparatively limited. Gaynor is supposed to have pocketed the lion's share of the money secured from the United States.

The exiles are free men, but it is well known that they are shadowed night and day by agents of the United States, and materials were accepted and that the surplus money above the actual cost were divided pro rata between Gaynor, Greene and Carter.

It was shown on the trial that these payments were frequent, and that when they were to be made Capt. Carter would go to New York, where he would draw a treasury order for the full amount, plus \$75, his expenses on the journey; that this check would be handed to Greene, and that within a few days Gaynor would hand his check for one-third of the payment, plus \$75, to Carter. The dates of the checks thus drawn corresponded with Carter's visits to the United States.

It was a member. It was estimated that Carter's share of the plunder amounted to \$722,528.

Capt. Carter Convicted. Carter was tried by court-martial, found guilty and sentenced to a fine of \$5,000 and five years' imprisonment, besides being dishonorably dismissed from the army. He has expiated his offense and has regained his liberty.

It took a long time to secure Capt. Carter's punishment, and it was said that Gaynor and Greene were moving heaven and earth to hush the matter up. In December, 1899, Gaynor and Greene and the other members of the Atlantic Construction company were indicted by the United States grand jury at Savannah for a conspiracy to defraud the United States of \$575,949.90. A few days later the indicted men surrendered to United States Marshal Shields in New York.

Then followed a long struggle against extradition to Savannah. Gaynor and Greene had appeared in Savannah and had each given a bond of \$40,000. Step by step the case was fought, and when the United States supreme court finally swept away all obstructions between them and their trial, Gaynor and Greene fled to Canada, and their bail bonds were forfeited. It is said that the bondsmen were afterward reimbursed by the fugitives.

The two men went to Montreal first and then to Quebec. The extradition commissioner lived in Montreal, and immediately raised by Mrs. Gaynor and her friends. The prisoner's lawyers went about Quebec declaring that their clients had been kidnapped. At once a battalion of Quebec officers was sent to overtake the Spray and bring Gaynor and Greene back.

Pursuit of the Fugitives. The chase up the river was an exciting one, and the news spreading rapidly, the progress of the two boats up the St. Lawrence was eagerly watched. But the Spray was too fast to be caught. Realizing this, the chief constable of Quebec, armed with a writ of habeas corpus from Judge Andrews, of that city, hurried to Three Rivers on a special train, and, setting out in a boat with his officers, ordered the Spray to halt in the queen's name. No attention was paid to the challenge. Gaynor and Greene were taken to Montreal, where Commissioner Lafontaine committed them to jail.

The high constable of Quebec hurried back to Judge Andrews on a special train and secured another writ addressed to the Montreal jailer, who surrendered the prisoners; and so Gaynor and Greene went back to Quebec on a special train, feasting their official rescuers on the way. So fearful were the exiles that they would be kidnapped again, that they asked to be committed to the Quebec jail, where they felt reasonably safe from the Montreal and American detectives.

As the case developed, it was evident that Gaynor and Greene had laid their plans deeply. The law firm employed by them included in its membership the premier of Quebec, a son of the deputy attorney general and the Canadian minister of justice. The son of the extradition commissioner of Quebec was also employed by the fugitives.

The prisoners' lawyers appeared before Judge Andrews and consented to the vacating of the writ. Thereupon other writs issued by Judge Caron, who had had nothing to do with the case, were served upon the Quebec jailer. As soon as he heard of this, Judge Andrews dismissed the writs and ordered Gaynor and Greene to be taken to Montreal.

Judge Dismisses Proceedings. Now came the final trial. Judge Caron issued a writ of certiorari, compelling Commissioner Lafontaine, of Montreal, to bring all the papers in the extradition proceedings into the court at Quebec for review. Immediately afterward Judge Caron allowed the prisoners to leave the jail and go to live at the Chateau Frontenac. A few days later the prisoners declared in court, through their lawyers, that Mr. Erwin, the lawyer representing the United States, had offered to consent to a dismissal of the case on the payment of \$500,000. Mr. Erwin denied the charge. Greene admitted that he offered to pay \$200,000 in settlement. On August 13, 1902, Judge Caron dismissed Greene and Gaynor and dismissed the extradition proceedings.

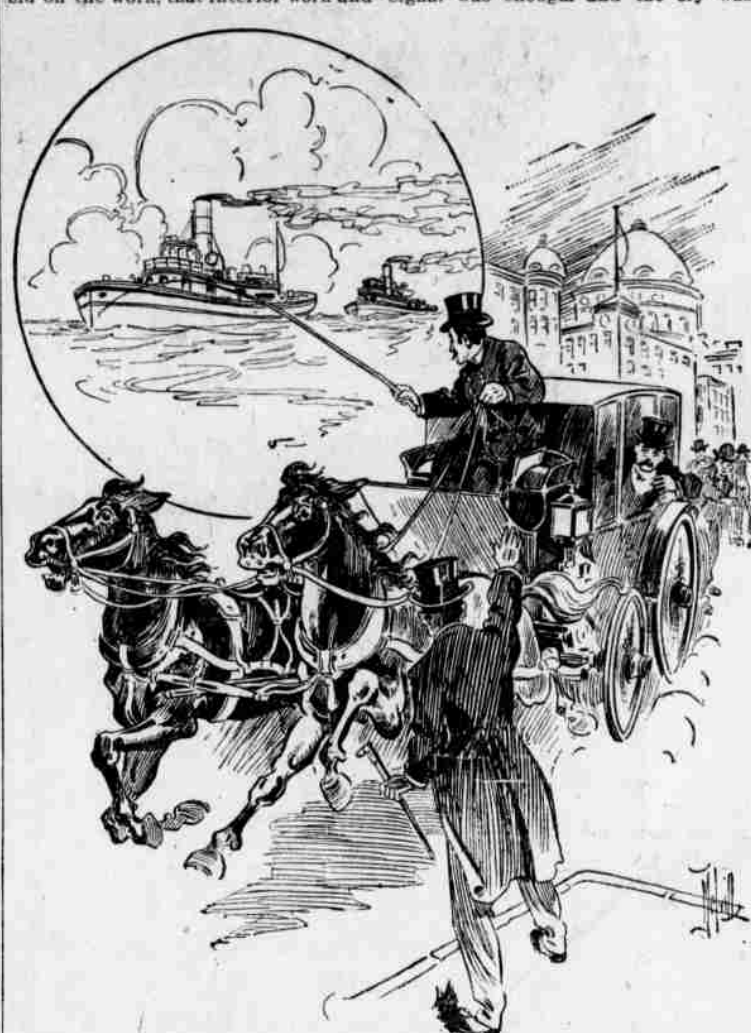
After this Mr. Erwin reported the facts to the United States government and charged that Gaynor and Greene had so interested officials connected with the administration of justice in Canada that the ends of justice had been defeated. The United States appealed the case to the privy council, whose decision, just rendered, sends the matter back before Commissioner Lafontaine at Montreal. Gaynor and Greene declare they will go through the fight all over again on new technical grounds, but it is predicted by unbiased men qualified to speak that they will be brought to trial within the next three months.

Meantime Judge Caron has been permitted to retire from the bench on a life pension equivalent to his full salary. Gaynor and Greene refuse to be interviewed in Quebec. They refer everybody to their lawyer, who makes no secret of the fact that he proposes to fight at every point and to the bitter end. But when Gaynor grows weary in the barroom of the Chateau Frontenac hotel, where he spends most of his waking hours, he poses as the victim of a sinister persecution and claims that the United States is still fairly indebted to him to the amount of \$700,000 on his contracts. Greene is a sober man and does little talking.

Comments on Case. Friends of the exiles in Quebec, in Canada, are attempting to create the impression that the decision of the British council "is only another evidence of the cringing and truckling policy which England has of late been following in her dealings with the United States, Canadian interests being sacrificed in every instance to the inordinate and aggressive demands of the United States." That this feeling is not general is shown by the strong words of a leading Canadian lawyer upon receipt of the news of the court's decision. "Of all the infamies that have disgraced the annals of the administration of justice in Canada," he said, "this Gaynor and Greene case is the worst. It has shown us that our bench and bar are unhappily amenable to influences which were never suspected before and that, aided by the fortuitous presence of cooperative elements in the federal and provisional governments, the good name of our country and of two of its supposed unsassailable bulwarks have been most ruthlessly sacrificed for the sake of temporary political and personal triumphs and the sake of personal gain. Happily we have in the judicial committee of the imperial privy council an independent and impartial tribunal that possesses the right and the power to set all such matters straight, to rectify all the wrongs perpetrated in the name of British or Canadian law, and, in this instance, to wipe out the stigma that has been cast upon our system by some of our worst elements. The entire machinery of the Canadian administration of justice was paralyzed or prostituted to the service of Gaynor and Greene, who had to pay sweetly for their temporary triumphs. How far the political and legal cliques have blinded them it is impossible to say, but it is fair to assume, from all the widespread ramifications, that it must have represented a considerable amount of solid cash. Everything that could help the great end in view was used."

Although the wheels of justice have ground slowly and it has taken five years of desperate and costly fighting to arrive at the present stage of the proceedings, the day of their trial is now almost in sight. Should they be found guilty and receive their just deserts, it will be time and money well spent, for it will teach a lesson to absconders and criminals that they can find no refuge in the technicalities of the extradition laws.

officer appointed to succeed him in charge of the Savannah improvements, charged Capt. Carter with a conspiracy to defraud the government in connection with the harbor contracts. In December, 1897, the secretary of war ordered the trial of Capt. Carter by court-martial. The charges were, roundly, that Carter drew the specifications for contracts so that no firm but the Atlantic Construction company would dare to bid on the work, that interior work and



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The business is that of logging in upper Michigan and Wisconsin. Owing to the lateness of the season this year, the demand for men fell off to almost nothing. Heretofore the wages have run from \$25 to \$30 a month and board. Teamsters, loaders and deckers are drawing about five dollars above the maximum at which the men are hired.

Lumbermen notice the absence of many familiar faces. The old-time woodsmen, who used to go to the woods regularly every winter, are passing away. Most of the men who applied for work this winter were inexperienced, and the growing scarcity has been noticed more and more.

It is contended that the pineries of Washington have taken away a large number of Michigan men. Not long since a single car had a large party of men who were going from the Wolverine woods to the Pacific woodlands. It is claimed that the wages in that section are now \$40 a month and board. In Michigan and Wisconsin the lumber is getting thinned out, while in the far northwest it is much as it was 20 years ago.

A large number of woodsmen have gone south. These men get out a great deal of the material from which fruit packages are made. The lumber is shipped back to Michigan in logs, and here it is sawed up and converted into barrels and cases.

Squelched. Mr. Biblets—Now, my dear, I'll tell you how I happened to get home so late if you'll only listen. Mrs. Liblets—All right. Turn off the radiator before you begin, will you? "What for?" "Oh, it seems so extravagant to have steam and hot air both going at once."—Cleveland Leader.

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## An Old Coat

By ALICE M. MEADOWS

STEPHEN BIRT and Mary, his wife, had fallen out, not by any means for the first time. Both were young, hot tempered, high spirited, and prone to jealousy.

To-day matters had come to a climax. The two young people, white, angry, with blazing eyes, stood facing one another. It did not make matters any better that they spoke slowly and deliberately.

"I'm tired of these scenes," Mary said, "sick to death of them. I can't go out, I can't talk to an old friend, but what you accuse me of flirting. I can't spend a day with a girl chum but what you say I neglect you. I can't—"

"You never spend a day with me; you haven't given me a whole day since we returned from our honeymoon. I might be the greatest stranger, instead of your husband of six months, for all the notice you take of me. You're cold as an icicle, and indifferent as—as—"

"You are! I shape my course entirely in accordance with yours. If we do go out together you are never by my side from the time we enter a house to the time we leave it. You can laugh and talk with the other women; you never have a joke to tell me, or a smile for me. We never ought to have married; I'm sorry, heartily sorry, we ever did."

His hands, resting on the back of a chair, gripped it tightly. "You mean that?" he said, his tone changing, his expression hardening; "you really mean it?"

Her clasped hands gripped one another. "So much so, that I mean to do what I can to rectify our mistake. We can't live in peace together. I have tried; I

not talk any more. I will tell the servants I am going on a journey. I don't want to make things disagreeable for you. And I shall go to-day."

He dropped her hands; he looked at her for a moment—at her white, set face, her eyes that did not soften in the least as his glance met hers. Then a proud, boyish rage entered his heart. If she could go, if she could leave him, then, indeed, she did not, never had, loved him.

"You will please yourself, of course," he answered, "but whether you remain with me or leave me, you are still my wife—you are still bound to me; be good enough not to forget that."

He scarcely saw his way as he crossed the room and left her—left her with a great anger in his heart against her. "She never loved me," he said to himself, "never, never; let her go!"

He found his way to his study, sat down, staring blankly before him for awhile, and scattered his papers heedlessly on the floor. Then his head dropped upon his hands, and his eyes were wet.

As the door closed after him Mary trembled. So he had accepted the situation! Then, indeed, he did not love her. She had expected pleading protestations; she had meant to forgive him; she had thought, indeed, they might begin again.

"He never loved me," she said to herself. "I did not mean to leave him. I shall go now; I owe it to my pride to go now."

She dragged her steps to her room; she must put her things together. Where she should go she did not know—and did it matter? If she was not with him she did not care where she was. There was plenty of hotels, but how lonely she would be!

She opened the wardrobe and flung dress after dress upon the floor. She must take something with her; it didn't matter what. Wherever she was he would not be there to see her.

The light was growing gray outside; the room seemed cold. She wondered what he was doing. He had not gone from the house; he was waiting to see her off, perhaps—wondering why she was so long. Could she have looked at him then she would have seen him sitting with a miniature in his hand, looking at the pretty face with tear dimmed eyes—would have heard his words: "My little wife!"—seen him lift it to his lips.

She had taken out all the dresses now. There was still something at the back of the wardrobe—something soft. She took it down, drew it out, and a swift rush of color swept her face.

In her hands she held an old velvet smoking coat; but the sight of it brought back a flood of memories. She remembered so well he had strolled over to her father's house wearing it; he had found her in the conservatory, tending the plants; he had told her then that he loved her, had taken her for the first time in his arms, kissed her, gained her promise that she would be his wife.

As she stood with the coat in her hand she remembered she had been so happy, she could recall each word he had said, each kiss he had given; and his arms, his dear arms, how tenderly, how closely, how fondly they had held her!

She sank into a chair, the coat pressed now close against her breast. A little sob rose in her throat, tears came into her eyes. It was all over—all over! His arms would never hold her again, his lips would never kiss her more!

Outside is growing darker still. She felt sad, lonely, and she must go soon. She had cut the ground under her feet, burned her boats behind her; he would be wondering why she did not go.

If only he would come to her! After all he did love her; she knew that well. They had been foolish—proud. If only he would come!

She lifted the coat. Then, while in the semidarkness the color burned in her face, she threw it around her—drew the arms right across her. A faint smile of smoke clung to it yet. She could almost fancy she was in his arms, that their quarrel was a dream, that she was not leaving his home and hers forever.

He had laughed at her often for keeping the old coat, for loving it almost as though it were something human. She would take it away with her; he would never miss it.

And then, quietly, she began to cry. Her soft cheek pressed to the old velvet sometimes her quivering lips. If only he would come to her! How could she go away?

How long she cried, quietly but bitterly—how soon, utterly exhausted, she dropped to sleep—she did not know. The opening of the door aroused her; the switching on of the electric light. And once more husband and wife—almost children both—looked at one another.

Looked, and understood that parting was impossible, the love was still there; looked white, as his eyes fell upon the old velvet coat, and he understood, a flush swept her face. Then, with one swift stride, wife and coat all were taken into a passionate embrace, words of love and forgiveness stumbled across their lips, and parting was something that would never come while life should last.

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